

BM

**Notice of Allowability**

Application No.

09/546,187

Examiner

Michael W. Hoyer

Applicant(s)

HASHIMOTO, KAZUNORI

Art Unit

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment Filed on 6/17/04.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 09 May 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Amendment filed on 6/17/04, with respect to the rejection of claims 1 and 5 under 35 USC 103(a) as being unpatentable over Hendricks et al (USPN 5,659,350), in view of Eyer et al (USPN 6,160,545), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

### ***Allowable Subject Matter***

2. Claims 1-9 are allowed.

The following is an Examiner's statement of reasons for allowance: the prior art, alone or in combination, does not teach or fairly suggest the subject matter of the Applicant's claimed invention as described below.

As to independent claim 1, the most applicable art of record, the Hendricks et al (USPN 5,659,350) and Eyer et al (USPN 6,160,545) references fail to teach or suggest data containing a channel contrastive table for comparing a management number that is uniquely allocated to each analog program and is commonly used in all the areas for each respective analog program, and a channel display number used in each area for selecting an analog program... The Hendricks et al reference discloses a CATV conditional access system. Hendricks et al teaches that every service also has an assigned local channel (col. 28, line 28), and that the headend performs an equivalent function of a "channel map" that is transmitted to the set-top terminals (col. 27 lines 32-33 and col. 8, lines 15-22), which corresponds to the claimed, "channel display number used

Art Unit: 2614

in each area for selecting an analog program.” In addition, the Hendricks ‘350 patent discloses a subscriber region designation 926 that is also transmitted to the set-top terminals in the program information signal (see col. 20 lines 50-67 and Figs. 6a and 6b), and is equivalent to the claimed area code used to recognize the area to which each terminal belongs. However, the Hendricks ‘350 patent does not disclose or suggest the claimed, “channel contrastive table for comparing a management number that is uniquely allocated to each analog program and is commonly used in all the areas for each analog program.”

The Eyer et al patent discloses a region ID (col. 8, lines 7-8), which corresponds to the claimed area code. Moreover, Eyer et al discloses that the IRD or set top box also receives a “channel map” or “table”, which correlates a “user channel number” to the corresponding regional ID (col. 9, lines 31-36). However, the Eyer et al reference also fails to teach or suggest the claimed, “channel contrastive table for comparing a management number that is uniquely allocated to each analog program and is commonly used in all the areas for each respective analog program.” Therefore, the references fail to teach or suggest that which is noted above.

As to independent claims 5 and 9, the claims are allowable based on similar reasons as set forth above for independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 2614

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202


**Or faxed to: (703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer  
November 15, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600